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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,063

12/30/2003

Spencer W. Beaufore

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EXAMINER

STIGELL, THEODORE J

ART UNIT

PAPER NUMBER

3763

MAIL DATE

DELIVERY MODE

05/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,063

Applicant(s)

BEAUFORT ET AL.

Examiner

Theodore J. Stigell

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 and 87-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-75 and 87-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 14-27, 33-50, 53-55, 65-75, and 87-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Feller et al. (4,362,156). Feller discloses an adaptor that can be used with a urinary catheter having urine lumen extending between a bladder end and discharge end with a normally closed valve, the adaptor comprising a fluid tube (20) sized to sealingly engage the inner surface of the discharge end (34) and having an internal diameter for fluid flow therethrough, a member (16) that can be hollow or solid in cross section (it is well known in the art for insertion needles to have hollow or solid cs's), the member adapted to have fluid flow therearound or therethrough and adapted to be able to open a duck-billed urinary valve, and a releasable clip (50) including a portion being relative to the fluid tube, the clip being configured to selectively secure the fluid tube in sealing engagement with the discharge end with movement of the movable clip portion relative to the fluid tube, wherein the movable clip includes arms (50) and a region (area near 36) adapted to pinch a portion of the discharge end against the fluid tube wherein this region had a similar contour with the discharge end, further comprising a protuberance (52) on the clip positioned to butt up against the discharge

end to prevent further insertion, wherein the member is sized so that it can pass through a valve, and wherein the member extends beyond the fluid tube.

Claims 1-10, 14-27, 33-50, 53-55, 65-75, and 87-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Jepson et al. (6,213,996). Jepson discloses an adaptor that can be used with a urinary catheter having urine lumen extending between a bladder end and discharge end with a normally closed valve, the adaptor comprising a fluid tube (92a) sized to sealingly engage the inner surface of the discharge end (54) and having an internal diameter for fluid flow therethrough, a member (98a) that can be hollow or solid in cross section, the member adapted to have fluid flow therearound or therethrough and adapted to be able to open a duck-billed urinary valve, and a releasable clip (100 a,b) including a portion being relative to the fluid tube, the clip being configured to selectively secure the fluid tube in sealing engagement with the discharge end with movement of the movable clip portion relative to the fluid tube, wherein the movable clip includes arms (100 a,b) and a region adapted to pinch a portion of the discharge end against the fluid tube wherein this region had a similar contour with the discharge end, further comprising a protuberance (not numbered) on the clip positioned to butt up against the discharge end to prevent further insertion, wherein the member is sized so that it can pass through a valve, and wherein the member extends beyond the fluid tube.

Claims 1-75 and 87-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Rantanen-Lee (5,035,399). Rantanen-Lee discloses a fluid tube (proximal end of 110) having an internal diameter, a member (distal end of 110) associated with the fluid

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tube having an external dimension sized to allow fluid to flow around and into the tube, a releasable clip (102) including a portion being movable relative to the fluid tube, the clip including first and second resilient arms (104, 106) and a pinch rib (108 A, B).

Claims 1-75 and 87-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Bernes et al. (5,270,003). See Figures 10-11. Bernes discloses a fluid tube (50) having an internal diameter, a member (32') associated with the fluid tube having an external dimension sized to allow fluid to flow around and into the tube, a releasable clip (130) including a portion being movable relative to the fluid tube, the clip including first and second resilient arms (134, 136) and a pinch rib (138, 140).

Claims 1-75 and 87-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Elson et al. (4,643,389). See Figures 4-7. Elson discloses a fluid tube (33) having an internal diameter, a member (19) associated with the fluid tube having an external dimension sized to allow fluid to flow around and into the tube, a releasable clip (15) including a portion being movable relative to the fluid tube, the clip including first and second resilient arms (25, 27) and a pinch rib (47).

Conclusion

The Applicant is invited to contact the Examiner to discuss possible amendments to differentiate over the prior art cited.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Stigell whose telephone number is 571-272-8759. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Theodore J. Stigell


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